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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,452	11/12/2003	Chang-Woo Ha	4611-030	9296
22440	7590	04/14/2005	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			LAM, TUAN THIEU	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/712,452

Applicant(s)

HA ET AL.

Examiner

Tuan T. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a response to the amendment filed 1/24/2005. Claims 1-30 are pending. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of "a feedback resistor coupled between the input of said amplifier and the output of one of said amplifier and emitter follower must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18, 21, 23, 24, 27, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the recitation of a feedback resistor coupled between the input of said amplifier and the output of one of said amplifier and emitter follower is misdescriptive. Figures 2, 5, 6 and 10 all show feedback resistor coupled between the output of the output buffer G3 and the input of the input amplifier. Correction is required.

In claims 21, 23-24, 27, 29 and 30, the recitation of "the first and second currents" lacks proper antecedent basis.

Claims 2-18 are indefinite because of the technical deficiencies of claim 1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19, 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishizono (USP 6,476,954). Figure 12 of Nishizono shows a current to voltage transforming circuit comprising a photo detector (PD) for generating a photo current ( $I_{pd}$ ) in response to a photo signal inputted into the photo detector, a trans-impedance amplifier (Tr3, Rc1, Tr7) having an amplifier (Tr3, Rc1) amplifying the photo current ( $I_1$ ) received from the photo detector to generate an output voltage, an output means (Tr7, 27b) for outputting said output voltage, the amplifier generating a current (current flows through resistors Rc1), a current detecting limiter (Tr5, Tr4, Rc2, Tr8) generating a limiter current ( $I_{pd2}$ ) in response to said current generated by the amplifier (the current flows to the base of the transistors Tr8) so that the trans-impedance amplifier is prevented from saturation in the presence of the excessive photo signal (the on/off of the transistor Tr5 maintaining the  $I_{dp1}$  constant through preventing the transistor Tr3 of the amplifier from saturation), a feedback resistor (Rf1) coupled between the input of the trans-impedance amplifier buffer and the output means so that the photo current is converted into the output voltage ( $V_{out1}$ ) as called for in claims 19 and 25.

Regarding claim 28, the limiter current is inputted to the reference voltage (ground) via transistor Tr5.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizono (USP 6,476,954). Figure 12 of Nishizono shows a current to voltage transforming circuit comprising a photo detector (PD) for generating a photo current ( $I_{pd}$ ) in response to a photo signal inputted into the photo detector, a trans-impedance amplifier (Tr3, Rc1, Tr7) having an amplifier (Tr3, Rc1) amplifying the photo current ( $I_1$ ) received from the photo detector to generate an output voltage, an output means (emitter follower comprises transistor Tr7 and a current 27b) for outputting said output voltage, the amplifier generating a current (current flows through resistors Rc1), a current detecting limiter (Tr5, Tr4, Rc2, Tr8) generating a limiter current ( $I_{pd2}$ ) in response to said current generated by the amplifier (the current flows to the base of the transistors Tr8) so that the trans-impedance amplifier is prevented from saturation in the presence of the excessive photo signal (the on/off of the transistor Tr5 maintaining the  $I_{pd1}$  constant through preventing the transistor Tr3 of the amplifier from saturation), a feedback resistor (Rf1) coupled between the input of the trans-impedance amplifier and output of the output means so that the photo current is converted into the output voltage ( $V_{out1}$ ).

Nishizono does not show a buffer coupled to the emitter follower (Tr7, 27b) as called for in claim 20. However, it is well known in the art to employ a buffer circuit to amplify and preserve the integrity of a signal. Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to include a buffer for amplifying and preserving the output voltage  $V_{out1}$  of Nishizono.

Regarding claim 22, the limiter current is inputted to the reference voltage (ground) via transistor Tr5.

*Allowable Subject Matter*

7. Claims 1-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

*Conclusion*

8. Claims 21, 23-24, 27 and 29-30 are indefinite and no prior art can be applied at this time.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Lam whose telephone number is 571-272-1744. The examiner can normally be reached on Monday to Friday (7:30 am to 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY P. CALLAHAN can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tuan T. Lam', with a long horizontal flourish extending to the right.

Tuan T. Lam  
Primary Examiner  
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4/11/2005